

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

CW, et al.,)	
)	
Plaintiffs,)	
v.)	CASE NO. 3:10-cv-00087-PPS-CAN
)	
TEXTRON, INC.,)	
)	
Defendant.)	

**Defendant's Motion in Limine to Exclude the Report and Testimony of
Plaintiffs' Expert Witness, Sara A. Ford**

Defendant Textron, Inc. hereby moves to exclude the expert reports prepared by and the testimony offered by Sara A. Ford ("Ford"). Plaintiffs have retained Ford to provide expert testimony regarding their loss of expected, lifetime earnings. Ford believes the plaintiffs both have a permanent "cognitive disability" and because of this disability both C.W. and E.W. have diminished earning capacity and work-life expectancy that have reduced their ability to earn a living. As explained in the brief in support being filed with this motion, Ford's opinions should be excluded for two reasons. First, Ford determined that plaintiffs had a "cognitive disability" by answering a question contained in a U.S. Census document. This question is hopelessly vague and is no longer in use. What is more, instead of asking the plaintiffs, their parents, their teachers, or their neuropsychologist to answer the question, Ford answered it for them. Ford may not substitute her limited knowledge of the plaintiffs for those parties with substantive personal or professional knowledge. Second, Ford repeatedly testified that the only "medical foundation" for her opinion that the plaintiffs have "cognitive disabilities" is the reports authored by plaintiffs' neuropsychological expert, Claude A. Ruffalo ("Ruffalo"). As discussed in Textron's brief to exclude Ruffalo's report and testimony, Ruffalo's opinions are without merit and must

be excluded. Therefore, if the Court determines that Ruffalo's opinions should be excluded, Ford's expert report and testimony also should be excluded.

Respectfully submitted,

/s/ Michael D. Chambers

Michael D. Chambers
TAFT STETTINIUS & HOLLISTER LLP
One Indiana Square, Suite 3500
Indianapolis, Indiana 46204-2023
Telephone: (317) 713-3500
Email: mchambers@taftlaw.com

Counsel for Defendant
Textron, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 1, 2012, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Glenn D. Bowman, Esq.
STEWART & IRWIN, P.C.
gbowman@silegal.com

James W. Brauer, Esq.
STEWART & IRWIN, P.C.
jbrauer@silegal.com

Nicholas K. Gahl, Esq.
STEWART & IRWIN, P.C.
ngahl@silegal.com

Donn H. Wray, Esq.
STEWART & IRWIN, P.C.
dwray@silegal.com

Marc A. Menkveld
Stewart & Irwin, P.C.
mmenkveld@silegal.com

/s/ Michael D. Chambers
Michael D. Chambers